

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

Mark Lott,)	
)	
Plaintiff,)	Civil Action No. 6:23-1048-RMG
)	
vs.)	
)	
Jeremy Gaines)	
)	ORDER
Defendant.)	
)	
)	
_____)	

This matter comes before the Court on the Report and Recommendation (“R & R”) of the Magistrate Judge recommending that this action be dismissed without prejudice, without leave to amend, and without issuance of process. (Dkt. No. 9). Plaintiff, a civilly committed individual, asserted that his constitutional rights had been violated by Defendant, Captain Jeremy Gaines, when he opened and inspected Plaintiff’s mail pursuant to the facility’s security protocols. He also asserted a claim for money damages for material Defendant confiscated under the facility’s security protocols. The Magistrate Judge found that there was no liability to the Defendant under these circumstances and that any claim for money damages is without merit. (*Id.* at 2-4). Plaintiff was advised of his right to file objections within 14 days of service of the R & R and that a failure to file written objections could result in limited review by the District Court and waiver of the right to appeal the judgment of the District Court. (*Id.* at 5). No timely objections were filed regarding the R & R of the Magistrate Judge.

The Court has reviewed the R & R of the Magistrate Judge, the record evidence and the relevant legal authorities. The Court finds that the Magistrate Judge ably summarized the

factual and legal issues in this matter and correctly concluded that this action should be dismissed without prejudice, without leave to amend, and without issuance of process.

Therefore, the Court **ADOPTS** the R & R (Dkt. No. 9) as the order of the Court and **DISMISSES** this action without prejudice, without leave to amend, and without issuance of process.

AND IT IS SO ORDERED.

s/ Richard Mark Gergel
Richard Mark Gergel
United States District Judge

April 10, 2023
Charleston, South Carolina